

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

JOSEPH BAPTISTE

and

ROGER RICHARD BONCY,

Defendants

No. 17-cr-10305-ADB

**GOVERNMENT’S MOTION FOR LEAVE  
TO DISMISS SUPERSEDING INDICTMENT**

The United States of America, by and through its attorneys, Rachael S. Rollins, United States Attorney for the District of Massachusetts, and Lorinda I. Laryea, Acting Chief of the Fraud Section of the Criminal Division of the United States Department of Justice, respectfully move for an order dismissing, with prejudice, the Superseding Indictment as to defendants Joseph Baptiste and Roger Richard Boncy, under Rule 48(a) of the Federal Rules of Criminal Procedure.

As grounds for this request, the government notes that, as it previously notified the Court and the parties, on the evening of June 23, 2022, the Federal Bureau of Investigation (“FBI”) provided to the prosecution team contemporaneous writings about the content of December 19, 2015 calls between defendant Boncy and an undercover agent that had not been previously disclosed to the prosecution team. The government provided this information to the defense on June 24, 2022. In light of the Court’s Rule 33 decision vacating the prior convictions, which was affirmed on appeal, the loss of the December 19 recordings, and the belated disclosure of communications concerning the content of the December 19 recordings, the government seeks to exercise its discretion and dismiss the Superseding Indictment. As a result, the government is not

seeking a retrial. Finally, the government submits that dismissal with prejudice serves the interest of justice.

The government has conferred with the defendants, both of whom consent to dismissal of this case with prejudice.

Dated: June 27, 2022

Respectfully submitted,

RACHAEL S. ROLLINS  
United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/Kriss Basil  
Kriss Basil  
Assistant U.S. Attorney